

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

No. 3:08-CR-93-1-BR

UNITED STATES OF AMERICA,

v.

BRYAN S. KOS

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ORDER

This matter is before the court on the government's motion for alternative victim notification procedures pursuant to 18 U.S.C. § 3771(d)(2). The court finds that the number of crime victims, as defined by 18 U.S.C. § 3771(e), makes it impracticable to accord all of the crime victims the rights described in 18 U.S.C. § 3771(a). The court further finds that the government's proposal is a reasonable procedure to give effect to 18 U.S.C. § 3771. The motion is ALLOWED. As soon as practicable, and sufficiently prior to trial, the government is DIRECTED to send a letter to the appropriate SEC attorney handling the related litigation in U.S. District Court in Miami, providing, at the least, the following information:

- the name of the defendants, the case number, and charges;
- notification that the shareholders of BodyScan Corp., Twister Networks, Inc., Absolute Health & Fitness, Inc., Concorde America, Inc., and Bio-Heal Laboratories, Inc. may have been victimized by the illegal activities of the defendants;
- all of the victim rights codified at 18 U.S.C. § 3771(a);
- the identity and telephone number of the prosecutor in the case;
- a description and explanation of the government's Victim Notification System

(VNS); a Victim Identification Number; a Personal Identification Number; and the means by which associations and potential victims can obtain current case information from the VNS website, www.notify.usdoj.gov, or from the VNS call center (1-866-DOJ-4YOU/1-866-365-4968) (TDD/TTY 1-866-228-4619) (International 1-502-213-2767) using the above information; and,

- the date, time, and location of trial.

Upon sending this letter, the government shall file a copy of the same in this case.

This 22 September 2008.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge